

# Calendar No. 515

86TH CONGRESS }  
1st Session }

SENATE

{ REPORT  
No. 518

AMENDING SECTION 1622 OF TITLE 38 OF THE UNITED STATES  
CODE IN ORDER TO CLARIFY THE MEANING OF THE TERM  
"CHANGE OF PROGRAM OF EDUCATION OR TRAINING" AS USED  
IN SUCH SECTION

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JULY 15, 1959.—Ordered to be printed

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Mr. YARBOROUGH, from the Committee on Labor and Public Welfare,  
submitted the following

## R E P O R T

[To accompany S. 906]

The Committee on Labor and Public Welfare, to whom was referred the bill (S. 906) to amend section 1622 of title 38 of the United States Code in order to clarify the meaning of the term "change of program of education or training" as used in such section, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

### EXPLANATION OF BILL

The bill (S. 906) amends section 1622 of title 38 of the United States Code, originally enacted as Public Law 550, 82d Congress, and popularly known as the Korean GI bill, so as to eliminate a highly undesirable situation which sometimes occurs under the "change of program" provisions of such section. A bill (S. 4031) of identical purpose was passed by the Senate on August 24, 1958.

The specific purpose of the bill (S. 906) is to provide that in determining what constitutes a change of program of education or training under the Korean GI bill—

a change from the pursuit of one objective or level of education or training to the pursuit of a higher objective or level of education or training in the same field of study or training

will be considered a continuation of the veteran's original program, rather than a change to a new program, if the first program "is prerequisite to, or generally required for, entrance into pursuit of the second."

Existing law permits a Korean veteran to make only one change of program throughout his entire period of education or training.

Consequently, the question of what constitutes a change of program may be controlling in determining whether an education or training allowance is payable.

An example of the situation which this bill will correct arises when a veteran selects as his initial program objective the attainment of a bachelor's degree. If upon completion of the work for the bachelor's degree he desires to obtain a master's degree, he may do so, but the change to the higher objective is considered a change of program. If the veteran then desires to seek a doctor's degree, he cannot do so and receive assistance under the Korean veterans' educational program because he exhausted his right to "one change of program" in obtaining his master's degree. Yet, if the veteran had initially specified the doctorate degree as his program objective, the process of obtaining all necessary lesser degrees would not have involved even one change of program.

Though the limitation to one change of program is essential to prevent abuse of the educational program, the incongruity outlined above should not go uncorrected. The Veterans' Administration agrees that the present situation is highly undesirable and recommends enactment of this bill. The Bureau of the Budget concurs in the views of the Veterans' Administration and also recommends enactment of the bill.

Reports of the Veterans' Administration and the Bureau of the Budget now follow:

VETERANS' ADMINISTRATION,  
Washington, D.C., March 25, 1959.

Hon. LISTER HILL,  
*Chairman, Committee on Labor and Public Welfare, U.S. Senate,*  
*Washington, D.C.*

DEAR SENATOR HILL: The following comments are furnished in response to your request for a report by the Veterans' Administration on S. 906, 86th Congress, a bill to amend section 1622 of title 38 of the United States Code in order to clarify the meaning of the term "change of program of education or training" as used in such section.

Except for formal changes to conform with the codification of veterans' laws by Public Law 85-857, S. 906 is identical with S. 4031, 85th Congress, as it was passed by the Senate on August 14, 1958. We had previously recommended favorable action on that bill in the form passed by the Senate. The purpose of the bill is to provide that, in determining whether a veteran-trainee may make a change in his program of education or training, "a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second" will be considered a continuation of his original program rather than a change to a new program. Since a trainee may make only one change of program, the question of what constitutes a change may be controlling in determining whether an education and training allowance is payable.

The present requirements that a veteran's program of education or training must be directed toward the attainment of a predetermined and identified educational, vocational, or professional objective, and that he may make only one change in his program, are two of several remedial provisions designed to avoid certain abuses which had de-

veloped in connection with the education and training program for World War II veterans under the Servicemen's Readjustment Act of 1944. In particular, these two provisions were intended to prevent the situation known as "course-hopping" where a trainee would successively pursue a number of unrelated courses until his entitlement to monetary allowances under the act was exhausted.

Unfortunately, these remedial and worthwhile provisions can work to the disadvantage of an individual veteran who fails to realize the necessity for specifying as his program objective the highest goal which it would be feasible for him to attain. An example of this situation arises when a veteran selects as his initial program objective the attainment of a bachelor's degree. If upon completion of the work for the bachelor's degree he desires to obtain a master's degree, he may do so, but the change to the higher objective counts as his one "change of program," so that should he later desire to strive for a doctor's degree, the change to this objective cannot be authorized. The incongruity arises from the fact that the veteran could initially have specified the doctorate as his program objective, in which event successive pursuit of courses would not have involved even one change of program.

This result may seem highly technical, but was not unforeseen. The House Committee on Veterans' Affairs in its report of May 16, 1952, to accompany the bill which became the Veterans' Readjustment Assistance Act of 1952 (H. Rept. 1943, 82d Cong.), stated:

"\* \* \* a veteran might say that he was going to an institution of higher learning to complete his work toward a bachelor of arts degree, and that at the end of that period he would continue his education toward a master of arts degree specifying in advance that this would constitute his selected program. Such action would not be considered to be a change of program. However, if the veteran indicated at the time of his application that he wished to obtain a bachelor's degree and later, after obtaining such degree, indicated he wished to continue toward a master's degree, this would be considered a change in program."

The difficulty has always been the highly practical one of devising an objective test which does equity, does not open the doors to "course-hopping," and is feasible to administer. S. 906 avoids the seemingly inequitable situation in which the veteran's right to continue with advanced education or training depended on the initial specification of the higher goal, and we do not believe that it would introduce any insuperable administrative problems. Accordingly, I recommend its favorable consideration by your committee.

There is no basis upon which to estimate the probable increase in the cost of direct benefits which might be attributable to enactment of S. 906, but obviously it would be relatively small.

Advice has been received from the Bureau of the Budget that there is no objection to the submission of this report to the committee and that the Bureau would favor enactment of the bill for the reasons stated herein.

Sincerely yours,

SUMNER G. WHITTIER,  
*Administrator.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
*Washington, D.C., March 23, 1959.*

Hon. LISTER HILL,  
*Chairman, Committee on Labor and Public Welfare,  
U.S. Senate, Washington, D.C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of February 5, 1959, requesting the Bureau of the Budget to comment on S. 906, a bill to amend section 1622 of title 38 of the United States Code in order to clarify the meaning of the term "change of program of education or training" as used in such section.

The purpose of the bill is to provide that, in determining whether a veteran-trainee may make a change in his program of education or training, "a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second" will be considered a continuation of his original program rather than a change to a new program.

The Bureau of the Budget concurs in the views of the Administrator of Veterans' Affairs as set forth in his report on S. 906 and recommends that your committee give favorable consideration to this bill.

Sincerely yours,

PHILLIP S. HUGHES,  
*Assistant Director for Legislative Reference.*

#### CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

### TITLE 38

### VETERANS' BENEFITS

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#### CHAPTER 33—EDUCATION OF KOREAN CONFLICT VETERANS

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#### Subchapter III—Enrollment

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#### § 1622. Change of program

(a) Subject to the provisions of section 1621 of this title, each eligible veteran (except an eligible veteran whose program has been interrupted or discontinued due to his own misconduct, his own neglect, or his own lack of application) may, at any time before the end of the period during which he is entitled to initiate a program of education or training under this chapter, make not more than one change of program of education or training.



(b) Each eligible veteran, who has not made a change of program of education or training before the expiration of the period during which he is entitled to initiate a program of education or training under this chapter, may make not more than one change of program of education or training with the approval of the Administrator. The Administrator shall approve such a change if he finds that—

(1) the eligible veteran is not making satisfactory progress in his present program and that the failure is not due to his own misconduct, his own neglect, or his own lack of application, and if the program to which the eligible veteran desires to change is more in keeping with his aptitude or previous education and training; or

(2) the program to which the eligible veteran desires to change, while not a part of the program currently pursued by him, is a normal progression from such program.

(c) *As used in this section the term "change of program of education or training" shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second.*

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